

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

NORMAN C. BARTON, JR.,

Plaintiff,

v.

**COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

Case No. 18-CV-219-JFH-KEW

ORDER

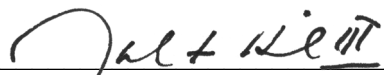
Before the Court is the Report and Recommendation [Dkt. No. 36] of United States Magistrate Judge Kimberly E. West reviewing Plaintiff's Motion for an Award of Attorney's Fees under the Equal Access to Justice Act ("EAJA") [Dkt. No. 20]. Magistrate Judge West recommends the Applications be granted. Dkt. No. 36 at 5.

Neither party objected to Magistrate Judge West's Report and Recommendation within the 14-day period prescribed by 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b). Having reviewed the Report and Recommendation, the Court concurs with Magistrate Judge West's recommendation, and accepts and adopts it as the order of the Court. On that basis, the Court finds that Plaintiff's Motion [Dkt. No. 20] is **GRANTED**.

IT IS THEREFORE ORDERED that the Government shall pay Plaintiff's attorney's fees in the amount of \$24,658.00 directly to counsel from the amount of past due benefits withheld for that purpose.

IT IS FURTHER ORDERED that Plaintiff's counsel shall refund to Plaintiff the smaller amount between any EAJA fees already awarded and the § 406(b) fees awarded in this decision.

DATED this 22nd day of November 2021.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE